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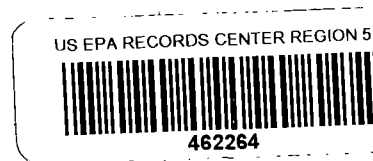
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July 8, 2011

**VIA UPS NEXT DAY AIR**

U.S. Environmental Protection Agency  
c/o Grace Co  
77 West Jackson Blvd., (SE-5J)  
Chicago, IL 60604-3590



**RE: Zurn Pex, Inc.'s Response to 104(e) Request for Information for the Lusher Street Groundwater Contamination Site, Elkhart, Indiana**

Dear Mr. Quadri:

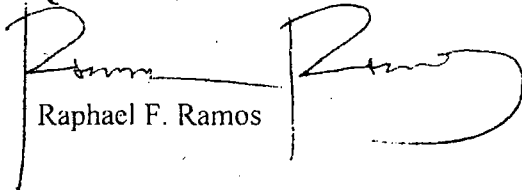
Enclosed with this letter please find Zurn Pex, Inc.'s narrative response to the 104(e) information request for the Lusher Street Groundwater Contamination Site, in Elkhart, Indiana. Also enclosed is a CD containing PDF copies of the Appendix to the response with documents responsive to the 104(e) Request.

Tom Krueger previously provided an extension of time to July 8, 2011, for this response.

Thank you for your consideration in this matter. If you have any questions regarding this letter, please do not hesitate to let me know.

Sincerely,

**QUARLES & BRADY LLP**

  
Raphael F. Ramos

Enclosures

cc: Donald F. Kiesling, Jr. (w/encl.)  
Tony A. Vogel (w/o encl.)

QBVI3899962.1

**RESPONSE OF ZURN PEX, INC. TO USEPA 104(E) INFORMATION REQUEST  
FOR THE LUSHER STREET GROUNDWATER CONTAMINATION SITE**

These responses were prepared by counsel for Zurn Pex, Inc. ("Zurn"):

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Responses were based on a review of Zurn environmental records for the former U.S. Brass Corp. ("U.S. Brass") facility located at 1900 West Hively Ave., Elkhart, Indiana 56516 (the "Facility") and interviews with Facility personnel:

Craig Bowlby	Distribution Center Manager (2010-Present); Distribution Supervisor (1986-2010); Injection Molding Supervisor (1985-1986); Warehouse Supervisor (1980-1985); Lead in Warehouse (1978-1980); Inside Sales (1977-1978); Truck Driver (1976-1977)	Responsible for injection molding and distribution (Injection Molding Supervisor and Distribution Center Manager)
Tony Ferro	Maintenance and Production Supervisor (2008-2009); Group Leader (1999-2008); (Maintenance Technician 1982-1999); (Maintenance Trainee (1982)	Responsible for floor management and management of chemicals (Maintenance and Production Supervisor)
Jim Konzel	Operations Manager / Plant Manager (2002-2009)	Responsible for compliance with environmental and safety regulations
Richard Jaeckel	Operations Manager / Plant manager (1992-2003)	Responsible for compliance with environmental and safety regulations

Inquiries into additional records and sources of information did not reveal additional information responsive to the request for information.

## **OBJECTIONS**

Zurn objects to these information requests as overbroad, vague, and burdensome to the extent they seek information not relevant to the purposes set forth in CERCLA § 104(e)(2). The requests are overbroad as to time (or lack of specified time frame), subject matter, and other concerns. The requests are also vague as to the scope of the requests.

By providing this information, Zurn is not, and shall not be construed as, admitting in any way that it is liable or responsible for costs of any sort relating to the Lusher Street Groundwater Contamination Site. Zurn expressly reserves all rights and defenses at law or equity that may apply.

The information provided herein, subject to inadvertent or undisclosed errors, is based upon, and therefore necessarily limited by, records and information still in existence, presently recollected, and thus far discovered in the course of preparing these responses. Zurn reserves the right to provide further information should additional information become available at a later date.

## **RESPONSES**

- 1. State the dates during which you or your company have owned, operated, or leased a facility or any part thereof located within the boundaries of the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangements (e.g., including but not limited to purchase and sale agreements, deeds. Leases, etc.).**

### **Response to Request No. 1:**

The Facility was constructed by Phillips Industry in the early 1970s on land that had previously been used for agricultural purposes. Haffner Supply, Inc. purchased the property in 1975, and U.S. Brass purchased the Facility in 1978. At the time the Facility was purchased by Haffner Supply, Inc., it was generally empty and used solely for distribution. The Facility was used solely in that capacity until it began injection molding operations in 1980. In the early 1980s, the Facility incorporated extrusion into the processes performed onsite. The Facility ceased injection molding operations in the early 1990s. In 1998, U.S. Industries, Inc. (parent company to U.S. Brass) acquired Zurn Industries. U.S. Industries, Inc. was renamed Jacuzzi Brands, Inc. in 2003. Jacuzzi Brands, Inc. sold the plumbing component of its business, including U.S. Brass and Zurn Industries, to Rexnord in 2006. In 2007, U.S. Brass was renamed Zurn-Pex, Inc. Zurn-Pex, Inc. owned and operated the Facility until it shut down manufacturing operations in 2009. Zurn-Pex, Inc. remains the owner and operator, but the Facility has been repurposed from its original manufacturing operations. The Facility is now used as a warehouse and distribution center for ready-for-sale brass and plastic fixtures and plumbing.

Since the Facility has been controlled by U.S. Brass and its successors from 1983, the remainder of responses are from 1983 to the present.

Appendix A contains a copy of a 2003 Mortgage for the Facility. Zurn reserves the right to provide further information should additional information become available at a later date.

2. **Did you or any other person or entity ever use, purchase, store, treat, dispose, transport or otherwise handle any material containing chlorinated solvents, including but not limited to, trichloroethylene (TCE); trichloroethane (1,1,1-TCA); dichloroethene (trans 1,2-DCE; cis-1,2-DCE; or 1,1-DCE) or tetrachlorethylene (PCE) at a facility within the boundaries of the Site? If the answer to this question is anything but an unqualified "no," with respect to each facility identify:**
- a) **the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;**
  - b) **who supplied the material;**
  - c) **how, when, and where the material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;**
  - d) **the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;**
  - e) **all supervisory personnel for areas where chlorinated solvents were identified above. For each person identified, indicate the years during which they were a supervisor and, to the best of your knowledge and belief, their duties and responsibilities.**

**Response to Request No. 2:**

From 1983-2009, the Facility was used to fabricate polybutylene or cross-linked polyethylene pipe by blending pellets with a catalyst, extruding the mixture, and pulling the pipe through a water bath. The Facility then cut the pipe, printed lettering on the pipe, and cured the pipe with steam. The Facility was a plastics processing plant involved in injection molding and extrusion of thermoplastics; no chemical processing was performed at this plant. The Facility has carefully identified and tracked chemical usage at the Facility. Material Safety Data Sheets ("MSDSs") that were created and submitted pursuant to OSHA regulations identify 166 chemicals that are used in the Facility.

Of those chemicals, only five have any reference to chlorinated compounds and only two aerosol products contain chlorinated solvents specifically identified in

the request for information.<sup>1</sup> A Safety Kleen parts washing station was also located onsite and is described below, although the chemical composition of the solvent used is unknown. In any event, the use of chemicals containing chlorinated solvents was minimal. As described below in more detail, the chemicals were contained in aerosol cans or cleaning solvents and were used minimally in applications where the chemicals were either consumed or evaporated. At no point during our review of documents and interviews with Facility staff did we identify any information indicating that a release, spill, or leak of such substances had ever occurred at the Facility.

These facts were confirmed by interviews with company employees and review of Facility documents. From 1992 through 2003, the Operations and Plant Manager position was occupied by Richard Jaeckel. Mr. Jaeckel was primarily responsible for compliance with environmental and safety regulations. Mr. Jaeckel was replaced in 2003 by Jim Konzel who retained that position until the Facility ceased manufacturing operations in 2009. The supervisor responsible for floor management and management of chemicals was the Maintenance and Production Area Supervisor. That position was last occupied by Tony Ferro who was with the Facility from 1983 through 2009. Craig Bowlby is the current Distribution Center Manager and has been at the Facility since 1976. Each was interviewed in connection with this response. Based on those interviews as well as review of company documents, we would note the following:

#### Tap Magic Cutting Fluid

The Facility used a small amount of Tap Magic Cutting Fluid, consisting of 80% inhibited 1,1,1-trichloroethane, 10% petroleum distillate (aliphatic oil), and vegetable oil, essential. The MSDS identified The Steco Corporation as the manufacturer of this substance. Tap Magic was purchased from MSC Industrial Supply center or McMaster-Carr. According to interviews with Jim Konzel and Tony Ferro, use of Tap Magic Cutting Fluid was minimal. Each of the maintenance employees had a can approximately 6-8 ounces in size in their toolbox. Drops of Tap Magic Cutting Fluid were occasionally applied to drill bits when necessary to drill through metal. Heat from the drilling process likely volatilized the chemical. Mr. Ferro emphasized that, on average, only about one can was replaced per year. The MSDS sheet for this substance is contained in Appendix B. There was no disposal of full or partially-full cans. Based on interviews with staff employees, no spills or leaks of this substance occurred.

#### Open & Shut

The Facility used a small amount of Open & Shut, an aerosol product treated of a cylinder of compressed gas, consisting of 50-75% trichloroethylene, 5-20%

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<sup>1</sup> Chemical refrigerants were also used onsite, but they are not addressed below based on our understanding that they are halogenated solvents not within the scope of this request. In any event, use of chemical refrigerants was limited to aerosols or for the Facility's cooling water system. A release from that system would likely be in gas form given the low boiling point for the chemical in question.

petroleum distillate, 5-20% petroleum oil, and 1-5 percent carbon dioxide. Open & Shut was purchased from Drummond American Corporation in six can lots. Open & Shut was used as to de-rust/lubricate frozen bolts. The substance was used sparingly. Mr. Ferro indicated that approximately six 15 ounce cans of Open & Shut were kept in a closed cabinet in the maintenance area. Employee frequency of exposure to Open & Shut was limited to 10 minutes per month and use of Open & Shut was in amounts of 1.0 ounce per month. The MSDS sheet for this substance is contained in Appendix C. There was no disposal of full or partially-full cans. Based on interviews with staff employees, no spills or leaks of this substance occurred.

#### Switch and Contact Cleaner

The Facility used minimal amounts of Switch and Contact Cleaner, an aerosol product treated as a cylinder of compressed gas, containing 31-50% trichlorotrifluoroethane, 31-50% dichlorodifluoromethane, and 11-30% 1,1,1-trichloroethane. Used to clean relays and contact points on the extruders. The MSDS identified Crown Industrial Products, Co., Inc. as the manufacturer of this substance. Use of Switch and Contact Cleaner was limited to 1.0 pints per year, with employee frequency of exposure limited to 10 minutes per month. The MSDS sheet for this substance is contained in Appendix D. There was no disposal of full or partially-full cans. Based on interviews with staff employees, no instances of spill or leaks of this substance occurred.

#### Cond-X Aerosol

The Facility used minimal amounts of Cond-X Aerosol, an aerosol product consisting of methylene chloride, ethanol, propane, isobutene, and IRR/CARC 7,8 in undefined percentages. Cond-X Aerosol was used as to de-rust/lubricate frozen bolts. Cond-X Aerosol was purchased from Certified Labs, Division of NCH Corporation as the manufacturer of this substance. Approximately twelve cans were kept in a closed cabinet in the maintenance area (Certified Labs required purchase of cases containing twelve cans). According to Mr. Ferro, use of this chemical was minimal. Use of Cond-X Aerosol was limited to 3.0 ounces per day. The MSDS sheet for this substance is contained in Appendix E. There was no disposal of full or partially-full cans. Based on interviews with staff employees, no instances of spill or leaks of this substance occurred.

#### Loctite Antiseize Lubricant

The Facility used small amounts of Loctite Antiseize Lubricant, a metallic liquid consisting of 60-65% methylene chloride, 20-25% mineral oil, 5-10% copper, 5-10% graphite, <3% aluminum, and <1% silicon dioxide. Used on bolts in the extruder. Mr. Bowlby indicated that use would be limited to less than 1.0 ounces per month. The MSDS identified Loctite Corporation as the manufacturer of this substance. Approximately twelve eight ounce bottles were kept in a closed cabinet in the maintenance area. Employee exposure to Loctite Antiseize

Lubricant was limited to 30 minutes per day. The MSDS sheet for this substance is contained in Appendix F. Empty cans were disposed of in the Facility's dumpsters. There was no disposal of full or partially-full cans. Based on interviews with staff employees, no instances of spill or leaks of this substance occurred.

#### Safety Kleen Parts Washing Station

Documents and Facility interviews also identified the presence of a Safety Kleen parts washing station. Interviews with Mr. Konzel, Mr. Ferro, and Mr. Bowlby indicated that use of cleaning solvent at the Safety Kleen station was minimal. The chemical constituents of the cleaning solvent is unknown. Cleaning solvent was stored in a reservoir within the station and discharged from a cleaning brush. Discharged solvent was poured into a drain in the station which circulated the solvent back to the reservoir for reuse. The cleaning station was entirely self-contained and used only occasionally. When the solvent could no longer be reused, Safety Kleen visited the Facility and serviced the station, replacing the used solvent. Such servicing and replacement initially took place every month, but was rescheduled to only a quarterly or biannual basis based on lack of use. Mr. Konzel indicated that the reservoir storing the solvent was approximately five gallons in size and that annual use of such solvent was limited to approximately 10-20 gallons per year.

Employee interviews indicated that, unless otherwise noted, use of the chemicals discussed above was relatively consistent throughout operation of the Facility as a manufacturing center. Provided in the Appendix are copies of responsive MSDSs for the Facility. Zurn reserves the right to provide further information should additional information become available at a later date.

3. **Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) at each facility you or your company have owned, operated, or leased within the boundaries of the Site. For each such solid waste management unit, provide the following information:**
  - a) **a map shows the unit's boundaries and the location of all known solid waste management units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;**
  - b) **the type of unit (e.g., storage area, landfill, waste pile, etc.) and the dimensions of the unit;**
  - c) **the dates that the unit was in use;**

- d) the purpose and past usage of the unit (e.g., storage, spill containment, etc.);
- e) the quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
- f) the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit; and
- g) if unit is no longer in use, describe how was unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

**Response to Request No. 3:**

Zurn has identified four potential solid waste management units, without making any assertions as to whether they would qualify as Solid Waste Management Units as defined by the federal Resource, Conservation, and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* The first unit is a used oil storage shed. The second unit is a set of solid waste storage dumpsters. The third unit is a former waste oil underground storage tank. The fourth unit is a former septic tank.

The used oil storage shed was entirely enclosed with a concrete floor and provided secondary containment for storage of waste oil. The waste oil was generated when the Facility changed the oil in its extruders and injection mold machines. Oil was the only substance stored in the shed. Beginning in the mid-1980s an aboveground tank was used to store waste oil. The tank was located inside the shed and was elevated and placed on a spill pad consisting of a large, heavy-duty, plastic box. The top of the spill pad was covered with grating which was intended to allow any leakage or spillage from the drums to collect inside the spill pad. The waste oil was pumped out by Safety Kleen and hauled offsite. The tank was owned and removed from the site by Safety Kleen in the early 1990s. After that point, four 55-gallon drums were used to collect and store waste oil. The drums were elevated and placed on a spill pad consisting of a large, heavy-duty, plastic box, approximately 24" (h) x 6" (w) x 6" (l) in size. The top of the spill pad was covered with grating which was intended to allow any leakage or spillage from the drums to collect inside the spill pad. According to Mr. Konzel, no waste oil ever escaped into the spill pad itself. Drums stored and collected waste oil until the drums were collected and replaced with empty drums by a local Standard oil dealer (Howard Industries of Indiana Inc., Berreth Oil, Safety Kleen, and Stoltz Enterprises, Inc.). The spill pad appears to have been in use until the Facility ceased manufacturing operations in 2009. The drums and spill pad were collected by the local oil dealer. The shed had been created solely to house the drums and spill pad and was demolished after the Facility ceased manufacturing.



The solid waste storage dumpsters are large metallic dumpsters used to contain plastic scraps, refuse, and other garbage from the Facility. The dumpsters have covers and are not open to the air, but are located outside of the Facility. The dumpsters are emptied and the contents disposed of by Himco Waste Away Services two times a month. No chemicals are, and in the past were not, disposed of in the dumpsters. The dumpsters have been used since the Facility was constructed and continue to be used through the present.

The Facility also formerly housed a metal unleaded gasoline underground storage tank on the eastern portion of the property. The gasoline tank was in place prior to 1978, although the exact installation date is unknown. The underground gasoline tank was used to fill up sales vehicles onsite. According to Mr. Bowlby the tank was removed in the mid- to early-1980s. A local construction company emptied and removed the tank. There is no indication that chlorinated solvents were ever stored or used in connection with this unit.

The former septic tank was installed some time before 1982 although the installation date was unknown, likely at the time the building was constructed. The former septic tank was in use until around 2001 when the Facility switched over to the city sewer system. Mr. Ferro estimated that the tank was 1,500 gallons in size. Water would go through a dry well made of concrete and lined with gravel and leach back into the ground. Upon closure, the septic tank was hauled offsite. A holding tank which is still in use was installed upon connection to the city sewer system. Mr. Ferro indicated that the holding tank is made of cement and contains approximately 1,500 gallons. We believe the septic tank was used only for sanitary waste and not process waste of any kind. There is no indication that chlorinated solvents were ever stored or used in connection with this unit.

A map of the Facility identifying the location of these units is provided in Appendix G. Zurn reserves the right to provide further information should additional information become available at a later date.

4. **Identify all leaks, spills, or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents that have occurred at or from any facility you or your company have owned, operated, or leased within the boundaries of the Site. In addition, identify:**
  - a) **when, where, and how such leaks, spills or releases occurred;**
  - b) **the amount of each leak, spill or release;**
  - c) **activities undertaken in response to each such leak, spill or release, including the notification of any agencies or governmental units;**

- d) **investigations of the circumstances, nature, extent or location of each leak, spill or release, including the results of any soil, water (ground and surface), or air testing undertaken; and**
- e) **all persons with information relating to these leaks, spills or releases.**

**Response to Request No. 4:**

Zurn has no knowledge or information responsive to this request. Staff interviews confirm that, to the best of their knowledge, no leaks, spills, or releases occurred at the Facility. Zurn reserves the right to provide further information should additional information become available at a later date.

- 5. **Provide copies of all local, state, and federal environmental permits ever granted for any facility (or any part thereof) you or your company have owned, operated, or leased within the boundaries of the Site (e.g., RCRA permits, NPDES permits, etc.)**

**Response to Request No. 5:**

The Facility was the recipient of an Industrial Wastewater Discharge Permit from the City of Elkhart Public Works & Utilities, Permit No. 96-01. Copies of the permit are provided in Appendix H. No other permits appear to have been issued for the Facility. The Facility's application for the wastewater discharge permits demonstrate that no chlorinated solvents were identified in the Facility's wastewater. Copies of the permit applications are provided in Appendix I. A recent Self-Monitoring Report included sampling that returned non-detects for chlorinated solvents in Facility effluent. A copy of that report is provided in Appendix J.

Zurn reserves the right to provide further information should additional information become available at a later date.

- 6. **Identify any persons or entities, other than those responding to this information request, that may have information about the history, use, purchase, storage, treatment, disposal, transportation or handling of any materials containing chlorinated solvents at any facilities in the area identified as the Lusher Street Ground Water Site.**

**Response to Request No. 6:**

Employee interviews indicated that a nearby scrap yard, Sturgis Iron and Metal may be a potential source of contamination. A nearby railyard may also have

contributed to historic contamination. Zurn reserves the right to provide further information should additional information become available at a later date.

7. **To the extent you believe that another person is responsible for any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents at or from any facility you or your company have owned, operated, or leased within the boundaries of the Site, identify:**
- a) **the name and address of that person or persons;**
  - b) **when, where, and how such leaks, spills or releases occurred;**
  - c) **the amount of each leak, spill or release; and**
  - d) **the detailed basis for your belief that each such person is responsible for leaks, spills or releases, including any transactional documents, reports, or other documentation supporting your belief.**

**Response to Request No. 7:**

Sturgis Iron and Metal was located on Lusher Avenue. That facility received scrap and other trash and operated a large super-shredding machine.

A nearby railyard may also have contributed to contamination. There is some anecdotal information to the effect that diesel compounds were discarded in the railyard in the 1970s, but Zurn has no further details in that regard. Zurn reserves the right to provide further information should additional information become available at a later date.

### CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

  
\_\_\_\_\_  
Don Kresling, Jr.

\_\_\_\_\_  
Attorney for Rexnord Industries, LLC

7/7/11  
\_\_\_\_\_  
Date

## APPENDIX

- A. Mortgage, Assignment of Leases and Rents, Security Agreement and Financing Statement from Zurn Pex, Inc. (f/k/a United States Brass Corporation) to Wilmington Trust Company (July 15, 2003) - (ZURN00001-ZURN00038)
- B. Material Safety Data Sheet - Tap Magic Cutting Fluid (Nov. 19, 1985) - (ZURN00039-ZURN00044)
- C. Material Safety Data Sheet - Open & Shut (Feb. 1, 1998) - (ZURN00045-ZURN00046)
- D. Material Safety Data Sheet - Switch and Contact Cleaner (Oct. 24, 1989) - (ZURN00047-ZURN00050)
- E. Material Safety Data Sheet - Cond-X Aerosol (March 15, 1999) - (ZURN00051-ZURN00053)
- F. Material Safety Data Sheet - Loctite Antiseize Lubricant (Nov. 1, 1989) - (ZURN00054-ZURN00055)
- G. Facility Map - (ZURN00056)
- H. Industrial Wastewater Discharge Permits - (ZURN00057-ZURN00094)
- I. Industrial Wastewater Discharge Permit Applications - (ZURN00095-ZURN00144)
- J. Self-Monitoring Report (Jan. 21, 2009) - (ZURN00144-ZURN00163)